

ORDINANCE NO. 940714- A

AN ORDINANCE ORDERING A REZONING AND CHANGING THE ZONING MAP ACCOMPANYING CHAPTER 13-2 OF THE AUSTIN CITY CODE OF 1992 AS FOLLOWS:

TRACT 1: 7.071 ACRE TRACT OF LAND OUT OF THE JOHN APPLGATE SURVEY NO. 58, FROM "LR-CO" NEIGHBORHOOD COMMERCIAL DISTRICT-CONDITIONAL OVERLAY COMBINING DISTRICT TO "CS-CO" GENERAL COMMERCIAL SERVICES DISTRICT-CONDITIONAL OVERLAY COMBINING DISTRICT; AND,

TRACT 2: 0.108 ACRE TRACT OF LAND OUT OF THE JOHN APPLGATE SURVEY NO. 58, FROM "LR-CO" NEIGHBORHOOD COMMERCIAL DISTRICT-CONDITIONAL OVERLAY COMBINING DISTRICT TO "RR-CO" RURAL RESIDENCE DISTRICT-CONDITIONAL OVERLAY COMBINING DISTRICT,

LOCALLY KNOWN AS 10200 NORTH LAMAR BOULEVARD, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; WAIVING THE REQUIREMENTS OF SECTION 2-2-3 OF THE AUSTIN CITY CODE OF 1992; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. That Chapter 13-2 of the Austin City Code of 1992 is amended to change the respective base zoning districts and to establish a Conditional Overlay combining district on all of the Property described in File C14-93-0158, as follows:

Tract 1: From "LR-CO" Neighborhood Commercial district-Conditional Overlay combining district to "CS-CO" General Commercial Services district-Conditional Overlay combining district.

7.071 acre tract of land out of the John Applegate Survey No. 58, said 7.071 acre tract of land being more particularly described by metes and bounds in "Exhibit A" attached and incorporated herein for all purposes.

Tract 2: From "LR-CO" Neighborhood Commercial district-Conditional Overlay combining district to "RR-CO" Rural Residence district-Conditional Overlay combining district.

0.108 acre tract of land out of the John Applegate Survey No. 58, said 0.108 acre tract of land being more particularly described by metes and bounds in "Exhibit B" attached and incorporated herein for all purposes.

[hereinafter referred to as the "Property"]

locally known as 10200 North Lamar Boulevard, in the City of Austin, Travis County, Texas.

PART 2. That the Property within the boundaries of the Conditional Overlay combining district established by this ordinance is subject to the following conditions:

1. There will be no vehicular access from Tract 1 to Cripple Creek Drive. All vehicular access to Tract 1 shall be from other adjacent public streets or through other adjacent property.
2. No structure or portion thereof shall be constructed or maintained within 50 feet of the rear property line of Tract 2. Improvements permitted within 50 feet of the rear property line of Tract 2 referenced in this ordinance shall be limited only to drainage, underground utility improvements or those improvements that may be otherwise required by the City of Austin.
3.
 - (a) Development of Tract 1, or any portion of Tract 1, as Restaurant (drive-in, fast food) use shall be restricted to a maximum gross floor area of 4,000 square feet.
 - (b) Development of Tract 1, or any portion of Tract 1, as Restaurant (general) use shall be restricted to a maximum gross floor area of 6,500 square feet.
 - (c) Restaurant use of Tract 1, or any portion of Tract 1, shall not exceed a maximum gross floor area of 6,500 square feet.
4. The following uses shall be prohibited on the Tract 1:
 - (a) Uses classified as adult oriented businesses as defined in Section 13-2-265 of the Land Development Code;
 - (b) Agricultural sales and services,
 - (c) Art and craft studio (general),
 - (d) Building maintenance services,
 - (e) Campground,
 - (f) Construction sales and services,
 - (g) Electronic prototype assembly,
 - (h) Equipment repair services,
 - (i) Kennels,
 - (j) Commercial blood plasma center,
 - (k) Bulk laundry services,
 - (l) Monument retail sales,
 - (m) Vehicle storage,
 - (n) Veterinary services,
 - (o) Custom manufacturing,
 - (p) Maintenance and service facilities, and,
 - (q) Equipment sales.
5. Notwithstanding all applicable water quality controls provisions contained in the Land Development Code, Owner shall design, construct, and maintain sedimentation/filtration ponds on the Property in accordance with the Environmental Criteria Manual and shall be subject to review and approval by the Environmental and Conservation Services Department.

Except as specifically restricted by this ordinance, the Property may be developed and used in accordance with regulations established for the respective base districts and other applicable requirements of the Land Development Code.

PART 3. That it is ordered that the Zoning Map established by Sec. 13-2-22 of the Austin City Code of 1992 and made a part thereof shall be changed to record the amendment enacted by this ordinance.

PART 4. That the requirements imposed by Section 2-2-3 of the Austin City Code of 1992, as amended, regarding the presentation and adoption of ordinances are hereby waived by the affirmative vote of at least five members of the City Council.

PART 5. That this ordinance shall become effective upon the expiration of ten days following the date of its final passage, as provided by the Charter of the City of Austin.

PASSED AND APPROVED:

July 14, 1994 §
§
§
§
Bruce Todd
Mayor

APPROVED: Diana L. Granger ATTEST: James E. Aldridge
Diana L. Granger James E. Aldridge
City Attorney City Clerk

14Jul94
ME/jj

7.071 ACRES

Field notes describing 7.071 acres of land in the John Applegate Survey No. 58 of Travis County, Texas being all of that same tract of land conveyed to George P. Shelly by deed recorded in Volume 10755, Page 978 of the Deed Records of Travis County, Texas and being more particularly described by metes and bounds as follows:

Beginning at an iron pin found in the west line of Lamar Boulevard a 100.00 foot public right-of-way being in the northeast corner of Neans Place Section 2, a subdivision of record in Book 15, Page 11 of the Plat Records of Travis County, Texas for the southeast corner of this tract.

Thence N 59° 23' 42" W a distance of 185.30 feet to an iron pin found in the northwest corner of Neans Place Section 2 for an angle point in the south line of this tract.

Thence S 24° 37' 06" W with the west line of Neans Place a distance of 75.27' to an iron pin found in the northeast corner of the Resubdivision of 0.074 acres in the JNO Applegate Survey, a subdivision of record in Book 9, Page 21 of the Plat Records of Travis County, for an angle point in the south line of this tract.

Thence N 59° 43' 01" W a distance of 77.69' to an iron pin found and N 59° 41' 49" W a distance of 102.92 feet to an iron pin found in the northwest corner of said Resubdivision being the northeast corner of a tract of land conveyed to Fernando A. Cantu Jr. by deed recorded in Volume 4552, Page 746 of the Deed Records of said County for an angle point in the south line of this tract.

Thence N 61° 09' 45" W with the north line of said Cantu property a distance of 182.80' to an iron pin found in the most easterly southeast corner of Lot 1 Quail Creek Phase IV, Section III, a subdivision of record in Book 76, Page 105 of the Plat Records of said County for the southwest corner of this tract.

Thence N 27° 14' 17" E a distance of 94.84 feet to an iron pin found in the northeast corner of said Lot 1 being also in the south line of Cripple Creek Drive, a 60.00 foot right-of-way dedicated to the public by plat of Quail Creek Phase IV, Section II, a subdivision of record in Book 62, Page 85 of the Plat Records of said County; said iron pin being also the southeast corner of said Section II for an angle point in the west line of this tract.

Thence the following three (3) courses with the east line of Section II for a portion of the west line of this tract:

- 1.) N 27° 03' 17" E a distance of 60.53 feet to an iron pin found;
- 2.) N 26° 44' 20" E a distance of 80.05 feet to an iron pin found;
- 3.) N 27° 36' 09" E a distance of 34.00 feet to a point;

Thence the following four (4) courses crossing the aforementioned Shelly tract for the east line of this tract:

- 1.) N 42° 50' 33" E a distance of 117.93 feet to a point;
- 2.) N 14° 36' 23" E a distance of 93.99 feet to a point;
- 3.) N 22° 53' 22" E a distance of 41.12 feet to a point;

"EXHIBIT A" - Page 1 of 2

940714.A

- 4.) N 33° 18' 48" E a distance of 64.39 feet to a point in the south line of a tract of land conveyed to Isabel and Willie Dillard by deed recorded in Volume 1676, Page 531 of the Deed Records of Travis County, Texas, being also a north line of the Shelly tract for the northwest corner of this tract.

Thence S 59° 53' 27" E a distance of 111.60 feet to an iron pin found in the southeast corner of said Dillard tract for angle point in the north line of this tract.

Thence N 27° 08' 25" E with the east line of the Dillard tract distance of 105.50 feet to an iron pin found in the southwest corner of the A. L. Wells Addition, a subdivision of record in Book 13, Page 22 of the Plat Records of Travis County, for an angle point in the north line of this tract.

Thence S 59° 51' 37" E with the south line of the Wells Addition a distance of 242.47 feet to an iron pin found in the northwest corner of the Bertie Lawrence Subdivision, a subdivision of record in Book 10, Page 54 of said County Plat Records for an angle point in the northeast corner of this tract.

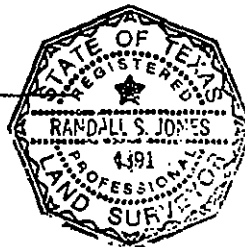
Thence S 27° 06' 29" W with the west lines of the Bertie Subdivision and the A.S. Neans Subdivision, a subdivision of record in Book 12, Page 100, a distance of 180.60 feet to an iron pin found in the southwest corner of said A.S. Neans Subdivision for an angle point in the north line of this tract.

Thence S 59° 44' 25" W a distance of 175.05 feet to an iron pin found in the west line of the aforementioned Lamar Boulevard right-of-way, being the southeast corner of the A.S. Neans Subdivision for the most easterly northeast corner of this tract.

Thence S 27° 00' 00" W with the west line of Lamar Boulevard a distance of 427.97 feet to the point of beginning containing 7.071 acres of land more or less.

I, Randall S. Jones, a Registered Professional Land Surveyor, do hereby certify that these notes represent the results of a survey made on the grounds of the herein described property, existing records and calculations and are true and correct to the best of my knowledge.

Randall S. Jones
Randall S. Jones
R.P.L.S. No. 4391



2/15/94
Date:

0.108 Acres
RR zoning

0.108 ACRES

Field notes describing 0.108 acres of land in the John Applegate Survey No. 58 of Travis County, Texas being a part or portion of that same tract of land conveyed to George P. Shelly by deed recorded in Volume 10755, Page 978 of the Deed Records of Travis County, Texas and being more particularly described by metes and bounds as follows:

Beginning at an iron pin found in the west line of the aforementioned Shelly tract being in the east line of Quail Creek Phase IV, Section II, a subdivision of record in Volume 62, Page 85 of the Plat Records of Travis County, Texas, said iron pin being also in the southwest corner of a tract of land conveyed to Isabel and Willie Dillard by deed recorded in Volume 1676, Page 531 of the Deed Records of Travis County, Texas; for the northwest corner of this tract.

Thence S 59° 53' 27" E with the common line between the Shelley tract and the Dillard tract a distance of 15.00 feet to a point for the northeast corner of this tract.

Thence the following four (4) courses crossing the Shelly tract for the east line of this tract:

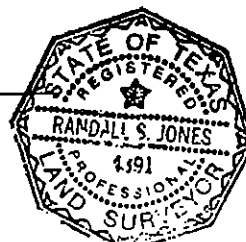
- 1.) S 33° 18' 48" W a distance of 64.39 feet to a point;
- 2.) S 22° 53' 22" W a distance of 41.12 feet to a point;
- 3.) S 14° 36' 23" W a distance of 93.99 feet to a point;
- 4.) S 42° 50' 33" W a distance of 117.93 feet to a point in the east line of the aforementioned Quail Creek subdivision for the southernmost corner of this tract.

Thence the following three (3) courses with the east line of Quail Creek subdivision for the west line of this tract:

- 1.) N 27° 36' 09" E a distance of 190.50 feet to an iron pin found;
- 2.) N 27° 04' 25" E a distance of 65.37 feet to an iron pin found;
- 3.) N 26° 03' 25" E a distance of 55.23 feet to the point of beginning containing 0.108 acres of land more or less.

I, Randall S. Jones, a Registered Professional Land Surveyor, do hereby certify that these notes represent the results of a survey made on the grounds of the herein described property, existing records and calculations and are true and correct to the best of my knowledge.

Randall S. Jones
Randall S. Jones
R.P.L.S. No. 4391



2/15/94
Date:

"EXHIBIT B"

940714-A

12

PO#: _____

Ad ID#: 7MM00190

Acct #: 499-2489

Austin American-Statesman

Acct. Name: City Clerk

ORDINANCE NO. 920714-A
An Ordinance ordering a rezoning and changing the zoning map accompanying Chapter 13-2 of the Austin City Code of 1992 as follows:
TRACT 1: 7.071 Acre Tract of land out of the John Applegate Survey No. 58, from "LR-CO" Neighborhood Commercial District-conditional overlay combining district to "CS-CO" General Commercial services district-conditional overlay combining district; and
TRACT 2: 0.108 Acre Tract of land out of the John Applegate Survey No. 58, from "LR-CO" Neighborhood Commercial District-conditional overlay combining district to "RR" Rural Residence District-Conditional overlay combining district.
Locally known as 10200 North Lamar Boulevard, in the City of Austin, Travis County, Texas. Waiving the requirements of section 2-2-3 of the Austin City Code of 1992, and providing an effective date.
Mayor Bruce Todd, Austin, Texas

AFFIDAVIT OF PUBLICATION

THE STATE OF TEXAS
COUNTY OF TRAVIS

Before me, the undersigned authority, a Notary Public in and for the County of Travis, State of Texas, on this day personally appeared:

Nancy Christofferson

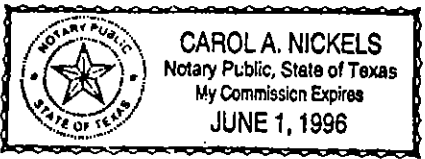
Classified Advertising Agent of the *Austin American-Statesman*, a daily newspaper published in said County and State that is generally circulated in Travis, Hays, Burnet and Williamson Counties, who being duly sworn by me, states that the attached advertisement was published in said newspaper on the following dates, to wit:

Date (s): July 23, 1994
Class: 9980 Lines: 27 Cost: \$55.62

and that the attached is a true copy of said advertisement.

Nancy Christofferson

SWORN AND SUBSCRIBED TO BEFORE ME, this the 28th day of July, 1994.



Carol A. Nickels
Notary Public in and for
TRAVIS COUNTY, TEXAS

Carol A. Nickels
(Type or Print Name of Notary)

My Commission Expires: 6/1/96